



Arizona Board of Psychologist Examiners *Newsletter*

PMission: To protect the health, safety and welfare of Arizona citizens by regulating the psychology profession

Volume 4

Winter 2000

Message from the Chairperson

The Board has been very busy since the last newsletter was published in June of 1999. The Board's Sunset Review performed by the Auditor General's Office resulted in an outstanding report. This was due to the dedication of the Board's Executive Director and her staff, as well as the input of the Board members who gave generously of their time to ensure that the auditors were provided with the information they required.

The next and final step in the Sunset audit process is taking the Bill through the legislative process which I am certain will result in the Board being in existence for ten more years!

I am also happy to report that Governor Hull has re-appointed Dr. Wil Counts and Dr. David Yandell to additional five year terms on the Board. We are grateful for the years of service given by Dr. Counts and Dr. Yandell and appreciate the countless hours of work they have contributed to the Board. We look forward to a continuing collegial relationship with them.

On behalf of the Board, I would also like to congratulate Maxine McCarthy on her seventh year anniversary with the Board! Thank you for all of your hard work!

As one of the public members on the Board, I would like to close by stating that I feel that the Board is fulfilling its mission of ensuring that Arizona citizens are receiving quality psychological services, and that licensees of the Board are being kept informed of issues that affect their practice.

T.H. Guerin, Jr., J.D.

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Legislative Update

The Board's sunset continuation bill is making its way through the legislative process. The legislation is based on a very favorable report published by the Auditor General's Office. After reviewing the Board, its staff, and all of its policies and procedures for over seven months, the auditors found that the Board is operating effectively and efficiently in fulfilling its mission of issuing licenses, resolving complaints in a timely and appropriate manner and providing accurate and complete information to the public.

The Board's Sunset Hearing was conducted in December before a Legislative Committee of Reference. Based on the Committee's unanimous vote, Senate Bill 1154 was introduced, incorporating the Committee of Reference's recommendations. The Bill will extend the Board for another ten years, replace one of the Board's psychologist members with a public member, and to add language to the Board's statutes to allow reciprocity for applicants in another state that meet or exceed Arizona's licensure requirements.

Because the legislation is based on an excellent report from the Auditor General's Office, the Board is confident that the Bill will move through the session without controversy. ☺

License Revoked

The license of Dr. Richard J. Wurtz was revoked by the Board at its meeting on December 3, 1999. The Board found that Dr. Wurtz violated several of its statutes involving sexual relations with a client and improper billing for therapy sessions that either did not occur or did not involve psychological services. The Board also forwarded this information to the County Attorney's Office due to the fact that it is a Class 6 felony to engage in sexual intercourse with a client under A.R.S. §13-1418. The billing improprieties may also constitute criminal theft or other criminal behavior that may be investigated for prosecution by the County Attorney's Office. Dr. Wurtz did not appeal the Board's action. ☹

The Board is 35 Years Old

The legislation that created the board was passed during the legislative session of 1965. The first Board meeting was held on January 21, 1966 and according to Dr. Jim Fredrick, it was "a Board in a cardboard box." The five members took turns packing the paperwork and files into a box and taking it home as the Board had no office space. The five original members drew straws to see who would get the privilege of being number 001. Certificate number 007, granted to Dr. Aaron Canter was also fairly coveted.

With time, staffs and budgets have changed. In 1966, the Board only charged \$40 for the original application fee, and the renewal fee was a mere \$10. A letter from the Board's chairman in 1973 explained "our only 'employee' is a part-time secretary hired by each chairman in whatever locale the then current chairman resides". Today, to meet the increased demand, the staff of the Board has grown to four full time employees.

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CURRENT STANDARDS OF PRACTICE

By David P. Yandell, Ph.D.*

Some states have adopted in statutes or rules the *Ethical Principles of Psychologists and Code of Conduct* of the American Psychological Association. In Arizona this is not the case. Rather, the Board works from its statutes and rules which define unprofessional conduct in fulfilling its mission to protect the public health, safety, and welfare. Issues not specifically addressed in statutes or rules of the Board are covered by the concept of "current standards of practice."

The statutory basis for Arizona licensed psychologists being held accountable to "current standards of practice" resides in A.R.S. § 32-2061(A)(13)(o) which identifies unprofessional conduct as including ". . . engaging in activities as a psychologist that are unprofessional by current standards of practice." The statutes are silent regarding the identification of these standards thereby leaving it to the judgment of the Board.

In determining "current standards of practice" in a case before it, the Board may rely on its own expertise and, most frequently, references documents widely accepted as establishing or describing current standards of practice. At the Board's discretion, it may also receive expert testimony regarding standards of practice. In recent years the Board has received expert testimony regarding recovered memories and also the assessment and treatment of sex offenders.

The publications most commonly utilized in identifying standards of practice include *Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association and the *Code of Conduct* adopted by the Association of State and Provincial Psychology Boards. Various other professional specialty guidelines are also consulted as well as the statutes and rules of the Arizona Department of Health Services, various private national accrediting agencies (e.g. CARF, JCAHO, and NCQA), and publications by experts recognized by the Board.

An example of an issue that may require reference to current professional standards is informed consent. With respect to informed consent and psychotherapy, the APA *Ethical Principles of Psychologists and Code of Conduct* Ethical Standard 4.01 (a) requires, among other things, that psychologists "discuss with clients or patients as early as is feasible in the therapeutic relationship appropriate issues, such as the nature and anticipated course of therapy, fees, and confidentiality." Ethical Principal 4.02 (a) clarifies that "informed consent generally implies that that the person (1) has the capacity to consent, (2) has been informed of significant information concerning the procedure, (3) has freely and without undue influence expressed consent, and (4) consent has been appropriately documented."

Expert commentary further clarifies that "these [four] conditions would almost always have to be met for the

consent to be valid as understood legally in most jurisdictions. Accordingly, consent that does not meet the four conditions is likely to be found as not being 'appropriate informed consent' . . . " (Canter, M., Bennett, B., Jones, S. & Nagy, T. (1994). *Ethics for Psychologists: A Commentary on the APA Ethics Code*. Washington, D.C.: American Psychological Association.)

Despite the psychology statutes not explicitly addressing "informed consent" in all its various contexts, the Board can readily arrive at clear and concise standards to which a licensee can be held accountable. It should be noted that a standard of practice is determined by the Board only in the context of a complaint before it. The Board does not engage in hypothetical considerations. While general concepts can be distilled by monitoring the various orders of the Board, this must be done cautiously with the understanding that each case before the Board is unique and will be given individual consideration. Ⓢ

*David Yandell is a member of the Board of Psychologist Examiners. The opinions expressed are his own and do not represent an official opinion of the Board.

35 Years with the Board

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To date, the Board has issued over 2450 licenses to practice psychology in Arizona. 1311 of these are currently active, and 253 are inactive.

The Board also now provides this newsletter, which was first published in Winter 96/97 as well as the website, begun in April 1997. The website has now been updated (12/28/99) to include recent disciplinary actions taken by the Board, in addition to providing updated directory address information.

The Board is looking into the possibility of having a celebration to commemorate this milestone. Licensees and interested parties will be notified further about this at a future date. Any comments or suggestions would be appreciated and should be communicated to Maxine McCarthy. Ⓢ

Who Wants to Be a...Complaint Consultant?

The Board is developing a roster of licensed psychologists to serve as complaint consultants. The function of a complaint consultant is to assist the Board's investigator by providing consultations regarding complaint investigations. Often this involves reviewing voluminous amounts of documentation.

Although the Board cannot offer financial compensation to complaint consultants, continuing education credit is awarded. One credit of continuing education is given for each clock hour of consultation for a maximum of ten hours during each two-year renewal period.

If you would like to volunteer for this position, please contact Maxine McCarthy at the Board office.

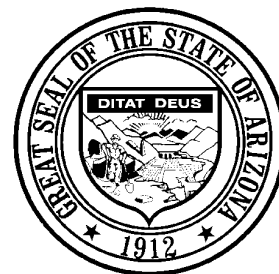
The Board wishes to express its gratitude to the following licensees who have so generously given of their time and energy as complaint consultants:

James Cox, Thomas DeStefano, Marcus Earle
Suzy Kuser, Linnea Lei, David McPhee
Chris Nicholls, Gary Perrin, Paulette Selmi
Sandra Volgy

Congratulations New Licensees!

On behalf of all Arizona licensed psychologists, the Board of Psychologist Examiners welcomes our **48 newest licensees** who were licensed between June 15, 1999 and February 14, 2000:

Norman V. Bertel, Psy.D.	Wickenburg, AZ
Patricia E. Burke, Ph.D.	Flagstaff, AZ
John G. Carlson, Ph.D.	Honolulu, HI
Anne C. Carpenter, Ph.D.	Fountain Hills, AZ
Judith A. Carter, Ph.D.	Prescott, AZ
Gloria M. Cochran, Ph.D.	Boardman, OH
Linda M. Comin, Psy.D.	Sedona, AZ
William M. Connor, Ed.D.	Hong Kong
Leslie Rose Dana-Kirby, Ph.D.	Luke AFB, AZ
Erine T Dandas, Ph.D.	Phoenix, AZ
M. E. Canterna Douglass, Ph.D.	Tucson, AZ
Erin Erwin-Mahllos, Ed.D.	Flagstaff, AZ
Laura Fichman, Ph.D.	Scottsdale, AZ
Lisa S. Galper, Psy.D.	Scottsdale, AZ
Gailyn Marlena Garcia, Ph.D.	Glendale, AZ
Boris Gindis, Ph.D.	Suffern, NY
George Goldman, Ph.D.	Tucson, AZ
Kim Suzanne Hill, Ph.D.	Mesa, AZ
Alice Hays Hoesch, Ph.D.	Phoenix, AZ
John G. Howe, Ph.D.	Surprise, AZ
Shane Thomas Hunt, Ed.D.	Lakeside, AZ
Bethanne Keen, Ph.D.	Phoenix, AZ
Valerie Ramsey Kemper, Psy.D.	Avondale, AZ
John Taylor Kent, Ph.D.	Tupelo, MS
Noelle P. Kerr-Almeida, Psy.D.	Wickenburg, AZ
Larry S. Kroll, Ph.D.	Cannon AFB, NM
Daniel Leland Larson, Ed.D.	Galesburg, IL
Gabrielle Blair Lawrence, Ph.D.	Phoenix, AZ
Joseph W Lenz, Ph.D.	Phoenix, AZ
Bryan David London, Ed.D.	Florence, AZ
Laura Lyn, Ph.D.	Flagstaff, AZ
Jonathan E. Masters, Psy.D.	Scottsdale, AZ
Paula Theresa McWhirter, Ph.D.	Phoenix, AZ
Jason R. Newell, Ph.D.	Albuquerque, NM
Larisa E. Newell, Ph.D.	Albuquerque, NM
Kevin Scott Olin, Ph.D.	Apache Jct., AZ
James B. Parker, Ph.D.	Yuma, AZ
Denise M. Podeschi, Ph.D.	Phoenix, AZ
Brian T. Williams Rice, Ph.D.	Phoenix, AZ
Frances M Robbins, PhD	Flagstaff, AZ
Daniel Jay Rosenbaum, Ph.D.	Phoenix, AZ
Trish Marie Short, Psy.D.	Tempe, AZ
Sheilah Siegel, Ph.D.	Scottsdale, AZ
Ira H. Solomon, Ph.D.	Norristown, PA
Judith J. Tyler, Psy.D.	Eagar, AZ
John Joseph Watson, Ph.D.	Phoenix, AZ
Richard Herbert Weisberg, Psy.D.	Cleveland, OH
Andrew Weissman, Psy.D.	Mesa, AZ



REGULATION OF TITLES

Persons who are not licensed as psychologists in Arizona may not practice in this state, even if they hold doctoral degrees in psychology (A.R.S. §§ 32-2084 and 32-2075).

Additionally, A.R.S. § 32-2084 also prohibits the use of any combination of words, initials and symbols that leads the public to believe the person making the representation is licensed to practice psychology in Arizona. The statutory prohibition also applies to the use of the designation "psychotherapist" or other derivation of the root word "psycho". Each day that this law is violated may be regarded as a separate Class 2 misdemeanor offense, and may result in fines, up to 4 months in jail (ARS §§ 13-802, 13-707), or both.

The Board issues cease and desist letters to persons violating the above mentioned laws, informing them of the laws, and requesting that they cease advertising in all future telephone books, business cards, and the like. The Board is authorized by A.R.S. §32-2083 to obtain a Superior Court order enjoining the unlicensed practice of psychology.

*The following is a lists of persons who have received Title letters from 1998 to the present**

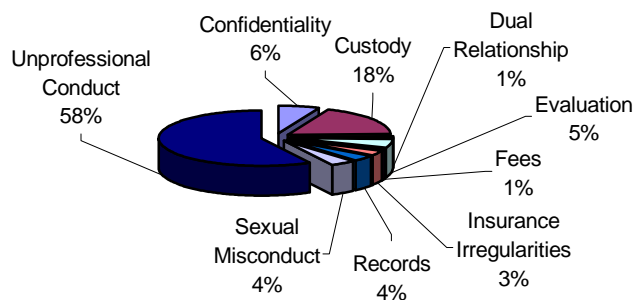
NAME	TITLE/ADVERTISEMENT
Joel Martin	"Nutritional Psychologist"
Deborah Cosgrove	"DR PSYD" (license plate)
Rayma Ditson-Sommers	"Psycho-neurointegration"
Immogene Zimmerman	"Psychoeducational testing"
D.S. Eaton	"Psychological Analysis"
Linda Cunningham	"Clinical Psychologist"
Sarah Carmon	"Clinical Psychologist"
Malcolm Campbell	"Psycho-Spiritual Change Work"
Cynthia Ashley	"Psychotherapy"
Jackson Friedland	"Psychologist"
Mary Clements	"Psychoanalyst"
Bruce Eisman	"Psychologist"

*THIS LIST EXCLUDES ANY OPEN FILES, AND PERSONS SUBSEQUENTLY LICENSED.

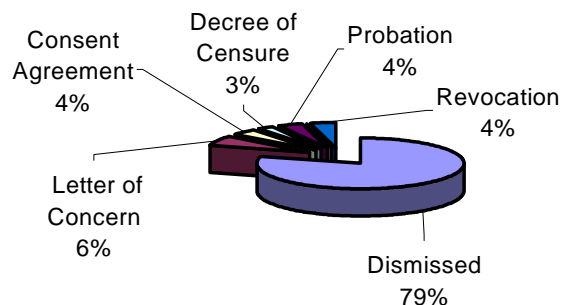
Complaints and Resolutions in 1998-1999

	Dismissed	Letter of Concern	Consent Agreement	Decree of Censure	Probation	Suspension	Revocation	Total
Nature of Complaint								
Confidentiality	4			1				5
Custody	11	1	1	1				14
Dual Relationship					1			1
Evaluation	4							4
Fees	1							1
Insurance Irregularities							2	2
Records	3							3
Sexual	1	1					1	3
Unprofessional Conduct	38	3	2		2			45
Total	62	5	3	2	3	0	3	78

Complaint Types



Complaint Outcomes



The Board received 80 requests for investigation in 1998 and 1999. The above table and graphs show the disposition of these cases, excluding those which are ongoing.

Meet the Psychology Board

The composition of the State of Arizona Board of Psychologist Examiners includes seven licensed psychologist members and two public members who do not have a substantial interest in the health care industry. At least two of the seven licensed psychologists must be full-time faculty members from the state universities and at least three must be in professional practice. All Board members are appointed by the Governor of Arizona and confirmed by the State Senate. Members serve a five year term or they can be appointed to fill an unexpired term of a previous Board member. The function of the Board is to license and regulate the practice of psychology on behalf of the citizens of Arizona.

T.H. Guerin, Jr., J.D., Chairperson Phoenix, AZ
Public Member Term expires: 1-21-02

Maureen K. Lassen, Ph.D., Vice Chairperson Tempe, AZ
Professional Practice Member Term expires: 1-18-04

Gary D. Lovejoy, Ph.D., Secretary Tempe, AZ
Professional Practice Member Term expires: 1-21-02

Wil R. Counts, Ph.D., R.Ph. Phoenix, AZ
Professional Practice Member Term expires: 1-17-05

Denise M. Bainton, J.D. Tucson, AZ
Public Member Term expires: 1-18-04

Janice K. Brundage, Ph.D. Tucson, AZ
Professional Practice Member Term expires: 1-15-01

Eugene R. Moan, Ed.D. Flagstaff, AZ
University Member, NAU Term expires: 1-15-01

Maryann Santos de Barona, Ph.D. Tempe, AZ
University Member, ASU Term expires: 1-15-03

David P. Yandell, Ph.D. Phoenix, AZ
Professional Practice Member Term expires: 1-16-05

STAFF

Maxine McCarthy, Executive Director
Marcus Harvey, Projects Specialist
Diane Lucas, Administrative Secretary
David S. Shapiro, Investigator

The Board's counsel is Assistant Attorney General, Nancy J. Beck, J.D.

Important Dates

EPPP DATES

April 12, 2000 April 18, 2001
October 11, 2000 October 17, 2001

BOARD MEETINGS

February 4-5, 2000 August 4-5, 2000
April 7-8, 2000 October 6-7, 2000
June 2-3, 2000 December 1-2, 2000

Board meetings are open to the public and any person may address the Board on any subject for five minutes during the "Call to the Public". This is usually scheduled at 9:00 a.m. on Saturdays. The Board may not discuss, consider, or take action on subjects not appearing on the agenda. Contact the Board office for further information regarding the agenda, meeting times and room location.

FEES

The following are the current fees associated with licensing, renewals, and services provided by the Board:

Application	\$300
Reapplication	200
EPPP	375
Initial license	pro-rated
Bi-Annual Active Renewal	300
Bi-Annual Inactive Renewal	25
Reinstatement of Expired License	200
Bi-Annual Retired Renewal	0
Bi-Annual Medical Inactive	0
Verbal License Verification	0
Written License Verification	2
Copies of Rules and Statutes*	5
Other copies	25¢/pg
Duplicate Renewal Receipt	5
Duplicate Certificate	25

(* No charge to our licensees)

Continuing Education Requirements

Current rules (A.A.C. R4-26-207) require that every psychologist licensed in Arizona must obtain 60 hours of continuing education units. At least 40 of these hours must be Category I hours which consist of courses, seminars, workshops, home studies with certificates of completion, and post-doctoral studies sponsored by regionally accredited schools that provide a graduate-level degree program.

Also acceptable are continuing education programs offered by national, international, regional, or state associations, societies, boards, or continuing education providers, if the content of the educational experience is primarily (for example, 75% or more) concerning subjects related to the "practice of psychology," and if taught by qualified instructors, as provided by law.

Psychologists elected to offices in international, national, regional, or state psychological associations or societies, or appointed to government psychology boards or committees, may also receive a maximum of ten continuing education

credits under Category I, for their work in those positions.

The additional 20 hours are Category II and consist of self study, self study, study groups, publication of authored or co-authored psychology books or psychology book chapters, or publication of articles in peer-reviewed psychology journals, or presentation of symposia or papers at a state, regional, national, or international psychology meeting, or attendance at or participation in case conferences.

Remember to keep your CE certificates and supporting CE documentation on file for the two previous, consecutive license renewal periods in case you are audited. It is not necessary to provide this information to the Board unless you are chosen for a random audit.

The Board is pleased to announce that the last random audit of 4% of its licensees resulted in 100% compliance. Arizona's licensees are to be commended for their compliance in this regard. ☺

NAME AND/OR ADDRESS CHANGE -- PLEASE PRINT (Mail or Fax)

This is a change of _____ Name (Documentation Required)* _____ Address

*Copy of marriage license, divorce decree, or a notarized statement is required to document a name change.

LICENSE NUMBER: _____ CURRENT BUS PHONE: _____ DATE OF BIRTH: _____ CURRENT HOME PHONE: _____

NAME: _____

FORMER NAME: _____

CURRENT BUSINESS ADDRESS: _____

CURRENT HOME ADDRESS: _____

PREFERRED PUBLIC ADDRESS: _____

PREFERRED BOARD MAILING ADDRESS: _____

_____ BUSINESS _____ HOME

_____ BUSINESS _____ HOME

If you do not choose a preferred public address, the Board will use your business address for public records.

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ADDRESS CORRECTION REQUESTED